

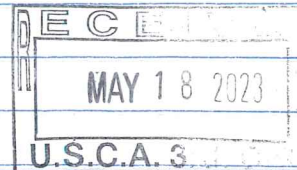
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

ALEKSANDAR KAVAJA

V.

UNITED STATES OF AMERICA

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CASE NO. 20-00202-001



MOTION FOR RETURN OF SEIZED PROPERTY

NOW COMES ALEKSANDAR KAVAJA, PURSUANT TO RULE 41(e) OF THE FEDERAL RULES OF CRIMINAL PROCEDURE, AND RESPECTFULLY MOVES THIS HONORABLE COURT TO DIRECT THAT "MONTE NEGRIAN PASSPORT, BELONGING TO PETITIONER A SCHEDULE OF WHICH IS ANNEXED, AND WHICH WAS TAKEN FROM HIM ON JUNE 19 2019, AT THE PREMISES LOCATED AT PORT PACKER MARINE TERMINAL IN PHILADELPHIA, IN THE EASTERN DISTRICT OF PENNSYLVANIA, DISTRICT BY THE UNITED STATES MARSHALL FOR THIS DISTRICT BE RETURNED TO HIM.

RESPECTFULLY SUBMITTED

Aleksandar Kavaja

PRO SE

DATED: 5.12.2023

Plaintiff,

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### NO CIVIL NOR CRIMINAL FORFEITURE ON RECORD

THE UNITED STATES never initiated Civil forfeiture proceedings pursuant to 18 USC §981 or Criminal forfeiture pursuant to 18 USC §982.

### ARGUMENT

Forfeitures are subject to all the constitutional and statutory procedural safeguards available under criminal law. PATTERSON, 177 Wash. D.L. Rptr. 741. SEIFUDDIN, 820 F.2d 1075 (9th Cir. 1987).

An indictment must include the forfeiture counts, and jury must prove beyond a reasonable doubt as to whether or not the alleged property is in fact forfeited, without the aforementioned requisite performed the UNITED STATES must return the petitioners property.

In this case, the UNITED STATES did not, and has never initiated forfeiture proceedings with respect to the seized property taken from the petitioner. Nor the Defendant at the time of arrest, after or at trial or ever after trial.

Therefore pursuant to FRCP Rule 41 (g), the UNITED STATES must return the petitioners property.



## CONCLUSION

THE LAWS ARE VERY CLEAR ON WHAT THE UNITED STATES OBLIGATIONS WERE WITH RESPECT TO PROCEDURE. THEY WERE MANDATED TO BOTH ADHERE TO AND FOLLOW PROCEDURES RELATING TO CIVIL OR CRIMINAL FORFEITURES, BUT "KNOWINGLY AND WILLINGLY" FAILED TO DO SO.

THE LAWS ARE JUST AS CLEAR AS IT RELATES TO WHAT MUST BE DONE WHEN THEN THE UNITED STATES DOES NOT INSTITUTE ANY WHATSOEVER FORFEITURE PROCEEDINGS. WHICH IS TO SIMPLY RETURN THE PETITIONER'S PROPERTY WHEN RULE 41(G) MOTION IS FILED.

## PRAYER

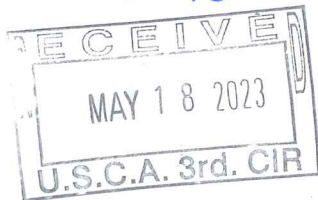
WHEREFORE SUPPORTED BY THE FACTS AND EVIDENCE AS PRESENTED BY LAW, PETITIONER PRAYS THAT COURT ISSUED AN "ORDER" ORDERING U.S. GOVERNMENT FOR THE STATE OF PHILADELPHIA, PENNSYLVANIA TO RETURN THE PETITIONER PROPERTY IMMEDIATELY. ABSENT ANY WHATSOEVER PROPERTY FORFEITURE PROCEEDING THE U.S. GOVERNMENT FOR EASTERN DISTRICT OF PENNSYLVANIA, IS DEPRIVING THE PETITIONER OF HIS PROPERTY WITHOUT JUST CAUSE.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND ACCURATE COPY WAS MAILED TO BELOW THIS MAY 12 OF 2023.

ALEKSANDAR KAVAJA  
# 69914066

FEDERAL CORRECTIONAL  
INSTITUTION BERLIN  
PO BOX 9000  
BERLIN, NH 03570



WHITE RIV JCT VT 0550

15 MAY 2023 PM 2 L



UNITED STATES COURTHOUSE  
601 MARKET STREET, ROOM 1609  
PHILADELPHIA, PA 19106

THW-X  
S.W.S'n

19106-179199



FCI BERLIN  
P.O. BOX 69 BERLIN, NH 03570  
DATE: 05/15/2023

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